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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Kristin K. Mayes, Chairman
Gary Pierce
Paul Newman
Sandra D. Kennedy
Bob Stump

2009 FEB 24 P 3:09

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE TS-5
TO TS-9 500/230 kV TRANSMISSION LINE
PROJECT, WHICH ORIGINATES AT THE
FUTURE TS-5 SUBSTATION, LOCATED IN
THE WEST HALF OF SECTION 29,
TOWNSHIP 4 NORTH, RANGE 4 WEST AND
TERMINATES AT THE FUTURE TS-9
SUBSTATION, LOCATED IN SECTION 33,
TOWNSHIP 6 NORTH, RANGE 1 EAST, IN
MARICOPA COUNTY, ARIZONA.

CASE NO. 138

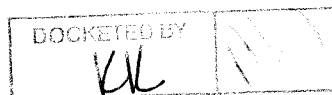
DOCKET NO. L-00000D-08-0330-00138

**NOTICE OF FILING SAMPLE
FORMS OF ORDER**

Pursuant to A.R.S. § 40-360.07, the Commission has the authority to confirm, deny or modify a Certificate of Environmental Compatibility ("CEC") issued by the Siting Committee. The Commission's Legal Division hereby submits sample forms of order for the Commission's convenience when considering the Siting Committee's decision in the above-captioned matter. One sample order approves the Siting Committee's decision as it was issued by the Siting Committee. The second sample order is in a format for Commission modifications to the Siting Committee's decision. The third sample order is in a format denying the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 24th day of February, 2009.Arizona Corporation Commission
DOCKETED

FEB 24 2009



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Janice M. Alward
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1 **Original and twenty-eight (28)**
2 **copies of the foregoing filed this**
3 **24th day of February, 2009, with:**

4 Docket Control
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By Roseann Dorio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360, *et seq.*, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING THE TS-5
15 TO TS-9 500/230 kV TRANSMISSION LINE
16 PROJECT, WHICH ORIGINATES AT THE
17 FUTURE TS-5 SUBSTATION, LOCATED IN
18 THE WEST HALF OF SECTION 29,
19 TOWNSHIP 4 NORTH, RANGE 4 WEST AND
20 TERMINATES AT THE FUTURE TS-9
21 SUBSTATION, LOCATED IN SECTION 33,
22 TOWNSHIP 6 NORTH, RANGE 1 EAST, IN
23 MARICOPA COUNTY, ARIZONA.

CASE NO. 138

DOCKET NO. L-00000D-08-0330-00138

DECISION NO. _____

*(Sample Form of Order Granting CEC
as Issued by the Siting Committee)*

24 Open Meeting
25 March 4, 2009
26 Phoenix, Arizona

27 **BY THE COMMISSION:**

28 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
("Committee") is hereby granted by this Order.

The Commission further finds and concludes that: (1) the Project is in the public interest
because it aids the state in meeting the need for an adequate, economical and reliable supply of
electric power; (2) in balancing the need for the Project with its effect on the environment and
ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its
impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the

Committee resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised; and (4) in light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KERNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2009.

MICHAEL P. KERNS
Interim Executive Director

DISSENT: _____

DISSENT: _____

Decision No. _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360, *et seq.*, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING THE TS-5
15 TO TS-9 500/230 kV TRANSMISSION LINE
16 PROJECT, WHICH ORIGINATES AT THE
17 FUTURE TS-5 SUBSTATION, LOCATED IN
18 THE WEST HALF OF SECTION 29,
19 TOWNSHIP 4 NORTH, RANGE 4 WEST AND
20 TERMINATES AT THE FUTURE TS-9
21 SUBSTATION, LOCATED IN SECTION 33,
22 TOWNSHIP 6 NORTH, RANGE 1 EAST, IN
23 MARICOPA COUNTY, ARIZONA.

CASE NO. 138

DOCKET NO. L-00000D-08-0330-00138

DECISION NO. _____

*(Sample Form of Order Modifying
CEC)*

24 Open Meeting
25 March 4, 2009
26 Phoenix, Arizona

27 **BY THE COMMISSION:**

28 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
("Committee") is hereby granted as modified by this Order.

The Commission modifies the CEC as follows:

*(For example, modifications to the Siting Committee's CEC could include amending the
Committee's determinations, adding new conditions and/or deleting the Committee's conditions.)*

Decision No. _____

1 The Commission further finds and concludes that: (1) the Project is in the public interest
2 because it aids the state in meeting the need for an adequate, economical and reliable supply of
3 electric power; (2) in balancing the need for the Project with its effect on the environment and
4 ecology of the state, the determinations and conditions placed on the CEC by the Committee as
5 modified by the Commission effectively minimize its impact on the environment and ecology of the
6 state; (3) the determinations and conditions placed on the CEC by the Committee as modified by the
7 Commission resolve matters concerning the need for the Project and its impact on the environment
8 and ecology of the state raised during the course of proceedings, and as such, serve as the findings on
9 the matters raised; and (4) the balancing in the broad public interest results in favor of granting the
10 CEC as modified by the Commission.

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY THE
COMMISSION BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KERNS, Interim
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capitol, in the City of
Phoenix, this _____ day of _____, 2009.

MICHAEL P. KERNS
Interim Executive Director

DISSENT: _____

DISSENT: _____

Decision No. _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360, *et seq.*, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
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18 THE WEST HALF OF SECTION 29,
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20 TERMINATES AT THE FUTURE TS-9
21 SUBSTATION, LOCATED IN SECTION 33,
22 TOWNSHIP 6 NORTH, RANGE 1 EAST, IN
23 MARICOPA COUNTY, ARIZONA.

CASE NO. 138

DOCKET NO. L-00000D-08-0330-00138

DECISION NO. _____

*(Sample Form of Order Denying CEC
as Issued by the Siting Committee)*

24 Open Meeting
25 March 4, 2009
26 Phoenix, Arizona

27 **BY THE COMMISSION:**

28 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07(B), the Commission, in compliance with A.R.S.
§ 40-360.06 and in balancing the broad public interest, the need for an adequate, economical and
reliable supply of electric power with the desire to minimize the effect thereof on the environment
and ecology of this state, finds that the above-captioned Application for a Certificate of
Environmental Compatibility ("CEC") for siting approval is hereby denied.

The Commission further finds and concludes that in balancing the broad public interest under
A.R.S. § 40-360.07(B) in this matter:

Decision No. _____

1. the evidence in the record is not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with the need for an adequate economical, and reliable supply of electric power;
2. the conditions placed upon the CEC issued by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") are not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with the need for an adequate, economical, and reliable supply of electric power;
3. the record compels balancing the competing public interests in favor of protection of the environment and ecology of the State of Arizona by denying Applicant a Certificate of Environmental Compatibility;
4. the CEC issued by the Siting Committee should not be confirmed and approved by the Commission; and
5. the Commission's findings 1 through 4 above serve as the Commission's findings of fact and conclusions of law in reaching its decision.

Therefore, the Commission further finds and concludes that the CEC issued by the Siting Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby denied by this Order.

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1 **THE ABOVE CAPTIONED APPLICATION FOR A CEC IS DENIED, AND,**
2 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
3 **INCORPORATED HEREIN AND IS DENIED BY ORDER OF THE**
4 **ARIZONA CORPORATION COMMISSION**
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8 _____
9 CHAIRMAN

_____ COMMISSIONER

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11 _____
12 COMMISSIONER

_____ COMMISSIONER

_____ COMMISSIONER

13
14 IN WITNESS WHEREOF, I, MICHAEL P. KERNS, Interim
15 Executive Director of the Arizona Corporation Commission,
16 have hereunto, set my hand and caused the official seal of this
 Commission to be affixed at the Capitol, in the City of
 Phoenix, this _____ day of _____, 2009.

17
18 _____
19 MICHAEL P. KERNS
20 Interim Executive Director

21 DISSENT: _____

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23 DISSENT: _____
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Decision No. _____